



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,627	06/05/2000	Guy Euget	FR9-1999-0073 US1	7746

25259 7590 08/12/2003

IBM CORPORATION  
3039 CORNWALLIS RD.  
DEPT. T81 / B503, PO BOX 12195  
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/587,627

Applicant(s)

EUGET ET AL.

Examiner

Daniel J. Ryman

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. The references contained on page 3, lines 18-22 and page 5, lines 7-11 should be included in an IDS.

### ***Drawings***

2. Figures 1, 2, and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: ref. 420 (see page 17, line 21 and Fig. 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

Art Unit: 2665

150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it exceeds 150 words in length.

Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: on page 6, line 22 "Concerning" should be deleted since it is not a complete sentence. On page 8, line 24 "high an can" should be "high and can". On page 14, lines 1-3 "Path selection ... utilization levels." is not a complete sentence and it is not indented to indicate the beginning of a paragraph.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al (USPN 6,571,272) in view of Mead et al (USPN 6,061,728) in further view of Haggerty et al (USPN 6,331,983).

9. Regarding claims 1 and 8, Ferguson discloses or suggests a method for establishing a Systems Network Architecture (SNA) connection between a source SNA node and a target SNA

Art Unit: 2665

node through a packet switching network using Data Link Switching (DLSw) access services, said packet switching network comprising a plurality of DLSw access nodes (col. 2, line 52-col. 6, line 16), said DLSw access nodes comprising one or a plurality of Data Link Switching (DLSw) access services including directory services for locating resources across the packet switching network using a spanning tree, connection services for establishing connections between DLSw access nodes and protocol services for understanding and/or interpreting Systems Network Architecture (SNA) protocol (col. 2, line 52-col. 6, line 16), said method comprising the steps of: at a source DLSw access node, receiving from a source SNA node a first SNA request message for requesting the establishment of a SNA connection with a target SNA node (col. 4, line 64-col. 5, line 8 and col. 5, lines 25-48) where a packet destined for a node on another network is taken to be a request for establishment of an SNA connection with a target SNA; at said source DLSw access node, locating a target DLSw access node providing access to the target SNA node (col. 3, lines 26-36 and col. 5, lines 25-48) where this is necessary in order to establish a connection between the source DLSw and the target DLSw; at target DLSw access node providing access to the target SNA node, sending to the source DLSw access node a reply message comprising addressing information of the target DLSw access node providing access to the target SNA node (col. 3, lines 26-36 and col. 5, lines 25-48); establishing a reserved or non reserved connection within the packet switching network between the source DLSw access node and the target DLSw access node (col. 5, lines 25-48); at the target DLSw access node, sending to the target SNA node a second SNA request message for requesting the establishment of a SNA connection (col. 5, lines 25-48) where although this is possibly not expressly stated, it is implicit that such a message is necessary in order to inform the target node that a connection is to

Art Unit: 2665

be formed; establishing a SNA connection between the source SNA node and the target SNA node (col. 3, lines 26-36 and col. 5, lines 25-48). Ferguson possibly does not expressly disclose locating a target DLSw access node providing access to the target SNA node by sending an undirected query over the spanning tree. Mead teaches that different techniques can be used to find a route to a target node including all-route-explorers which broadcast an explorer frame to discover a route to a host node (col. 1, lines 16-36; col. 2, lines 7-19; and col. 3, lines 1-6). Mead also discloses the use of a spanning tree in order to ensure that there is only a single path to a particular node through a network (col. 1, lines 38-53). Haggerty teaches that spanning trees reduce the number of messages transmitted during a broadcast through a network (col. 6, lines 12-22). It would have been obvious to one of ordinary skill in the art at the time of the invention to locate a target DLSw access node providing access to the target SNA node by sending an undirected query over the spanning tree since spanning trees minimize the number of messages transmitted through a network during a broadcast where broadcasting is a well known mechanism used to find a route to a node.

10. Regarding claim 2, referring to claim 1, Ferguson in view of Mead in further view of Haggerty suggests that the step of establishing a SNA connection between the source SNA node and the target SNA node, further comprises the steps of: at the target DLSw access node, receiving from the target SNA node and forwarding to the source DLSw access node a response to the second SNA request message indicating that the SNA connection between the source SNA node and the target SNA node is established at the source DLSw access node (Ferguson: col. 3, lines 26-48 and col. 4, line 64-col. 3, line 48 and Mead: col. 1, line 16-36 and col. 2, line 59-col. 3, line 6), receiving from the target DLSw access node the response to the second SNA request

Art Unit: 2665

message and sending to the source SNA node a response to the first SNA request message indicating that the SNA connection between the source SNA node and the target SNA node is established (Ferguson: col. 3, lines 26-48 and col. 4, line 64-col. 3, line 48 and Mead: col. 1, line 16-36 and col. 2, line 59-col. 3, line 6).

11. Regarding claim 3, referring to claim 2, Ferguson in view of Mead in further view of Haggerty discloses, in the source DLSw access node, storing the addressing information of the target DLSw access node providing access to the target SNA node (Mead: col. 6, lines 37-51).

12. Regarding claim 4, referring to claim 3, Ferguson in view of Mead in further view of Haggerty suggests that the step, at said source DLSw access node, of locating a target DLSw access node providing access to the target SNA node comprises the further steps of: determining whether the addressing information of the target DLSw access node providing access to the target SNA node has been previously stored (Mead: col. 1, line 65-col. 2, line 7 and col. 6, lines 37-51); retrieving the addressing information of the target DLSw access node providing access to the target SNA node when said addressing information has been previously stored (Mead: col. 1, line 65-col. 2, line 7 and col. 6, lines 37-51); sending by means of said retrieved addressing information a point to point directed query to the target DLSw access node providing access to the target SNA node (Mead: col. 1, line 65-col. 2, line 7 and col. 6, lines 37-51).

13. Regarding claim 5, referring to claim 4, Ferguson in view of Mead in further view of Haggerty discloses that the addressing information of the target DLSw access node providing access to the target SNA node comprises addressing information of the target DLSw access services within said target DLSw access node (Ferguson: col. 5, lines 36-48 and col. 6, lines 7-16 and Mead: col. 6, lines 37-51).

Art Unit: 2665

14. Regarding claim 6, referring to claim 5, Ferguson in view of Mead in further view of Haggerty discloses that the undirected query comprises addressing information, in particular Medium Access Control/Service Access Point (MAC/SAP) address, of the target SNA node (Ferguson: col. 5, lines 36-48 and col. 6, lines 7-16).

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al (USPN 6,571,272) in view of Mead et al (USPN 6,061,728) in further view of Haggerty et al (USPN 6,331,983) as applied to claim 6 above, and further in view of Applicant's admitted prior art.

16. Regarding claim 7, referring to claim 6, Ferguson in view of Mead in further view of Haggerty possibly does not expressly disclose that the packet switching network is a Networking Broadband Services (NBBS) network. Applicant admits that NBBS is a well-known fast packet switching network (page 1, line 21-page 2, line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use NBBS since NBBS is a well-known fast packet switching network.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baratz et al (USPN 4,914,571) see col. 2, lines 28-62 which pertains to searching for resources in a computer network. Lebizay et al (USPN 5,602,841) see col. 8, lines 40-62 which pertains to a control point spanning tree. Derby et al (USPN 5,426,637) see Fig. 10 which pertains to the steps taken to set-up a connection between two similar LANs




Art Unit: 2665

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6743 for regular communications and (703)308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman  
Examiner  
Art Unit 2665

  
Daniel J. Ryman  
August 6, 2003

  
8/6/07